

AO 106 (Rev. 04/010) Application for Search Warrant

AUTHORIZED AND APPROVED/DATE: s/Tiffany Edgmon 05/14/2024

UNITED STATES DISTRICT COURT

WESTERN

for the
DISTRICT OF

OKLAHOMA

In the Matter of the Search of)
 Discord, Inc. account name "donut06146" with)
 associated ID number 1124923492828192860)
 and account name "tempy0939" with associated)
 ID number 1224336283711701083)

Case No: M-24-431-AMG
FILED

MAY 14 2024

APPLICATION FOR SEARCH WARRANT

JOAN KANE, CLERK
 U.S. DIST. COURT, WESTERN DIST. OKLA.
 Search warrant and state under DEPUTY

I, a federal law enforcement officer or attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following property:

See Attachment A, which is attached and incorporated by reference.

Located in the Western District of Oklahoma, there is now:

See Attachment B, which is attached and incorporated by reference.

The basis for the search under Fed. R. Crim.P.41(c) is (check one or more):

- ☒ evidence of the crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. § 2422(b)

18 U.S.C. § 2423(b)

18 U.S.C. § 2252A(a)(5)(B)

Offense Description

Attempted Coercion and Enticement of a Minor

Interstate Travel with Intent to Engage in a Sexual Act with a Minor

Possession of Child Pornography

The application is based on these facts:

See attached Affidavit of Special Agent Andrea Salazar, Homeland Security Investigations, which is incorporated by reference herein.

☒ Continued on the attached sheet(s).

☐ Delayed notice of [No. of Days] days (give exact ending date if more than 30 days) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet(s).

Andrea Salazar
 Applicant's signature

Andrea Salazar
 Special Agent
 Homeland Security Investigations

Sworn to before me and signed in my presence.

Date: 5/14/24

Amanda Maxfield Green
 Judge's signature

City and State: Oklahoma City, Oklahoma

AMANDA MAXFIELD GREEN, United States Magistrate Judge
 Printed name and title

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Special Agent Andrea Salazar, being first duly sworn, state as follows:

INTRODUCTION

1. I am currently employed as a Special Agent ("SA") with Homeland Security Investigations ("HSI") and have been so since July 2022. Prior, I was a federal police officer with Pentagon Force Protection Agency and had been so employed since August 2019. I hold a bachelor's degree in criminology and a Master of Public Administration from St. Mary's University. I also hold a Master of Science in Criminal Justice from Sam Houston State University.

2. I am currently assigned to HSI Office of the Resident Agent in Charge Oklahoma City, Oklahoma. As part of my various duties and responsibilities, I investigate federal criminal cybercrime violations. As it relates to cybercrime, I have gained experience conducting child exploitation and child pornography investigations. My working experience has been augmented by training I received at the Federal Law Enforcement Training Center. Moreover, I have access to the institutional knowledge developed around this type of investigation by working with other experienced child exploitation criminal investigators. I have become aware of numerous examples of child pornography. Additionally, I have had the opportunity to observe and review hundreds of images and videos of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. § 2422(b) and 2423(b).

3. I am investigating the online activities of Bryan Devin CRUZ. As explained herein, there is probable cause to believe CRUZ committed the following crimes: Attempted Coercion and Enticement of a Minor, in violation of 18 U.S.C. § 2422(b); Interstate Travel with Intent to Engage in a Sexual Act with a Minor, in violation of 18 U.S.C. § 2423(b); and Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B).

4. This Affidavit seeks authorization to search Discord, Inc. account associated with account name "donut06146" with associated ID number 1124923492828192860 and "tempy0939" with associated ID number 1224336283711701083 (**SUBJECT ACCOUNTS**) as further described in Attachment A, and seize the items described in Attachment B, which constitute instrumentalities, fruits, and evidence of the aforementioned crimes.

5. This Application would authorize the forensic examination of the Discord, Inc. account for the purpose of identifying electronically stored data, particularly that described in Attachment B.

6. The facts set forth in this Affidavit are based upon my personal observations and training, prior investigations and, where noted, information related to me by other law enforcement officers. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search warrant.

BACKGROUND ON DISCORD

7. Discord is a voice, video, media, and text (chat) communication service/platform in which users can communicate in private chats, ranging from 1–10 users, or as part of a larger group/community called servers. Servers are also broken down into subcategories, or channels. Discord maintains these media, and text (chat) communications, whether they occurred on a server or in private chats. Discord asks each of their subscribers to provide certain identifying information when registering for an account. This information can include, but is not limited to: a username, subscriber's full name, date of birth, physical address, telephone numbers, other identifiers, and/or e-mail addresses (which Discord can indicate if this email address has been verified or not). Information provided to and maintained by Discord by paying subscribers can include a means and source of payment (creditor bank account number).

a. Discord assigns a unique 19-digit User ID after an account is created. Discord and other providers of similar services, retain certain transactional information about the creation and use of each account on their systems. This information can include, but is not limited to: the date and time at which the account was created, the length of service, records of log-in (i.e., session) times and durations, friends list, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account, and other log files that reflect usage of the account.

b. Discord also has records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular

logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the account. In some cases, account users will communicate directly with a provider, in this case, Discord, about issues relating to their account, such as technical problems, billing inquiries, and/or complaints from other users. Providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user because of the communications.

c. Through investigative research and through conversations with other individuals regarding Discord, your Affiant has learned that Discord is a messaging platform where millions of users from around the world connect with each other through chat, voice, and video. Discord stores messages and attachments that users send to each other in text channels, whether it's in a server or in direct messages. In general, Discord, Inc. servers retain data to include messenger communication until the subscriber deletes the communication string. If the subscriber does not delete the message, the message can remain on Discord, Inc. servers indefinitely. Even if the subscriber deletes the data, it may continue to be available on Discord, Inc.'s servers for a certain period of time.

STATEMENT OF PROBABLE CAUSE

8. On or about April 5, 2024, Sergeant Spencer Sloan of the Moore Police Department ("MPD") was dispatched to 2816 Yorkshire Drive in Moore, Oklahoma, in the

Western District of Oklahoma. A Moore resident, T.L., was reporting someone peeking into her thirteen-year-old daughter's ("Jane Doe") window.

9. Upon his arrival, Sgt. Sloan deployed the department's drone that utilizes thermal imaging to survey the area for any possible suspects. Almost immediately, Sgt. Sloan located a heat signature in the backyard of 2813 Yorkshire Circle. Sgt. Sloan informed officers of his findings, and the subject began to move to the west. The subject continued westbound in the creek and hopped a fence into a backyard of a residence (2824 Kings Road). The subject then hopped into the backyard of 2820 Kings Road and then walked from the backyard to the front of the residence. The subject walked north until he was apprehended in front of 2824 Kings Rd. This was all recorded via the drone. MPD Officer Koalton R. Keller asked the subject to identify himself. The subject lied about his name and date of birth. Ultimately, the subject was identified as CRUZ. A red iPhone was located underneath a vehicle near CRUZ's location at the time of his arrest.

10. Sgt. Sloan then made his way to T.L.'s residence and spoke to T.L. According to T.L., she confiscated Jane Doe's laptop. T.L. allowed Sgt. Sloan to view the laptop where he observed messages between Jane Doe ("T" on discord) and "Alex." The conversation contained a few days' worth of messages. Several messages were sexual in nature. Jane Doe sent a photo to "Alex" depicting her vaginal area with the vagina covered with a hand. Sgt. Sloan confirmed the picture was sent by Jane Doe due to the red lights in the background that Jane Doe had in her room. Some of the messages were from "Alex" stating he wanted to use Jane Doe "like a toy."

11. MPD Detective Ryan Minard spoke to T.L., who advised the laptop belonged to Jane Doe's father S.P. who lived at another residence. Contact was made with the father, who consented to a search of the laptop.

12. Detective Minard observed on the discord app, on the laptop, that CRUZ was going by "Alex <3" as his username and Jane Doe was going by "T" as her username. CRUZ and Jane Doe communicated back and forth for several days. CRUZ made statements to Jane Doe about videos and pictures and how he knows Jane Doe has sent pictures to other people online. Jane Doe sent CRUZ a photograph of her while nude from the waist down. Cruz asked Jane Doe to face the camera and spread her legs for him. CRUZ asked Jane Doe to call on discord and they had multiple conversations through discord.

13. CRUZ and Jane Doe met online using an application called "Discord" to communicate. CRUZ advised Jane Doe that he went to Southmoore and Jane Doe stated she was completing online school. During the conversation, CRUZ asked Jane Doe how old she was, and she stated she was 13 years old about to turn 14. CRUZ advised back that her age was okay in the conversation.

14. CRUZ told Jane Doe he wanted to "smash"¹ and asked how they could meet up. Jane Doe also expressed a desire to run away. Jane Doe talked about the cameras that were at her dads' house and how mother had less cameras. Jane Doe also advised her older brother turned the cameras around at her mom's house.

¹ Based on my training and experience, "smash" is a slang term meaning to have sex.

15. CRUZ told Jane Doe that they could meet up outside of her residence. CRUZ then talked about how he can't wait to be inside Jane Doe and for her body to take the shape of his. CRUZ then talked about making plans to sneak into Jane Doe's window when her mother goes to sleep.

16. On April 6, 2024, CRUZ traveled from Texas to Jane Doe's residence. CRUZ asked Jane Doe when to come to the house. The two talked back and forth waiting for T.L. to go to bed. CRUZ asked Jane Doe which window was her window so not to go to the wrong one. In the chat, Jane Doe told CRUZ to come back after running away from the window and that not to worry because Jane Doe's mother thought it was "Chris." At that point in the conversation, T.L. contacted police and the resulting response began.

17. CRUZ was interviewed by Detective Minard. After his interview, CRUZ asked Detective Minard if he would be allowed to make any phone calls. Detective Minard stated CRUZ would be allowed to make phone calls if he could remember their phone numbers, to which CRUZ stated he could not. Detective Minard asked CRUZ for consent to open CRUZ's red iPhone but not go through it to help CRUZ get phone numbers out of the phone. CRUZ agreed by stating, "yes." CRUZ also provided the passcode to the red iPhone, when asked.

18. On April 10, 2024, Detective Minard spoke to M.E., who identified herself as CRUZ's wife. She stated that they lived at 3524 Marwick Drive, Plano, Texas. She also informed Detective Minard that CRUZ had told her he was traveling to a friend's wedding in Texas.

19. On April 22, 2024, United States Magistrate Judge Shon T. Erwin authorized a search warrant for CRUZ's cell phone. On the phone, investigators located screenshots of sexually explicit conversations between CRUZ and Jane Doe, using the **SUBJECT ACCOUNTS**. CRUZ apparently deleted his conversations with Jane Doe up until when the Moore Police Department were called out. Additionally, investigators located conversations between CRUZ and at least one other minor female on Discord. CRUZ discussed whether the minor female was interested in just meeting up with him or doing more than just meet up. The minor female responded she was only interested in meeting up with him, nothing more, because they just met.

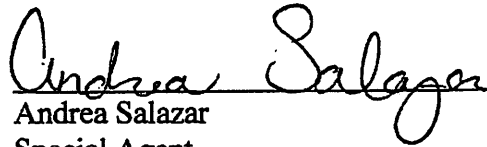
20. Through the use of law enforcement databases, it was discovered that on September 10, 2020, Dropbox LLC self-reported user doe00084@gmail.com/ESP, User ID: 3196730080, for uploading 19 images/videos of child pornography. One of the IP addresses associated with the CyberTip came back to Andrea Vilchis, CRUZ's girlfriend during that period of time. Two other IP addresses associated with the CyberTip were traced back to Jorge Alvarez, CRUZ's roommate during that period of time. The resulting investigation did not lead to any criminal charges.

CONCLUSION


21. Based on the foregoing, there is probable cause to believe that the federal criminal statutes cited herein have been violated, and that the contraband, property, evidence, fruits, and instrumentalities of these offenses, more fully described in Attachment B, are on the Discord, Inc. accounts described in Attachment A. I respectfully

request this Court issue a search warrant for the Discord, Inc. account described in Attachment A to seize the items described in Attachment B.

Respectfully submitted,


Andrea Salazar
Special Agent
Homeland Security Investigations

Sworn and subscribed before me this 14th day of May, 2024.


AMANDA MAXFIELD GREEN
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to Discord, Inc. account information associated with account name “donut06146” with associated ID number 1124923492828192860 and “tempy0939” with associated ID number 1224336283711701083 (SUBJECT ACCOUNTS) that are stored at premises controlled by Discord, Inc. a company that accepts service of legal process at 444 De Haro St, Suite 200, San Francisco, CA 94107.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Discord, Inc. (the “Provider”)

To the extent that the information described in Attachment A that is within the possession, custody, or control of the Provider, including any messages, records, files, logs, or information that have been deleted but are still available to the Provider. The Provider is required to disclose the following information to the government for each **SUBJECT ACCOUNT** listed in Attachment A:

- a. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, Discord passwords, Discord security questions and answers, alternate Discord accounts, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- b. The contents of all messages associated with the account, including stored or preserved copies of messages sent to and from the account, draft messages, the source and destination addresses associated with each message, the date and time at which each message was sent, and the size and length of each message;
- c. All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have been sent to this user ID;

- d. The types of service utilized to include alternative Discord, Inc. communication methods or platforms;
- e. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files;
- f. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken;
- g. All past and present communication lists of other Discord, Inc. users communicating with this account;
- h. The types of service utilized by the user;
- i. The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- j. All records pertaining to communications between this Discord account and any person regarding the user or the user's Discord account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, contraband, evidence and instrumentalities of violations of 18 U.S.C. § 2422(b), 18 U.S.C. § 2423(b), and 18 U.S.C. § 2252A(a)(5)(B), involving the Discord, Inc. account associated with the **SUBJECT ACCOUNTS**, including information pertaining to the following matters:

- a. Any images or videos depicting children engaging in sexually explicit conduct or any sexually suggestive images or videos depicting children (i.e. child erotica);
- b. Evidence indicating the Discord account owner's state of mind as it relates to the crime under investigation;
- c. Any information relating to who created, used, or communicated with the account, including records about their identities and whereabouts;
- d. Any communications or correspondence containing information about trading, sending, receiving, or possessing child pornography images or videos with other Discord account users;
- e. Any communication or correspondence containing attached videos or images of child pornography or child erotica;
- f. Any communication or correspondence between the **SUBJECT ACCOUNTS**;
- g. Any communication or correspondence between the **SUBJECT ACCOUNTS** and other users that pertain to or are relevant to prove violations of the above statutes;
- f. Any communication or correspondence pertaining to locations, internet sites, and addresses including passwords on how to access child pornography.

III. Disclosure by provider - By Order of the Court

Discord Inc. shall disclose responsive data, if any, by sending to DHS/HSI, Attn: SA Andrea Salazar, 3625 N.W. 56th St, Suite 300, Oklahoma City, Oklahoma (73112), using the US Postal Service or another courier service or electronic means.